

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5366

AN ORDINANCE authorizing and providing for the acquisition of interests in land for the purpose of improvements to Factoria Boulevard, SE 3600 Block to SE 41st Place, CIP Plan No. PW-R-116, Factoria Boulevard Improvements within the City of Bellevue; providing for condemnation, appropriation, taking and damaging of land and property rights necessary therefore; providing for the cost thereof and directing the initiation of appropriate proceedings in the manner provided by law for said condemnation.

WHEREAS, on December 11, 2000, the City Council adopted the 2001-2007 CIP that includes CIP Plan No. PW-R-116, Factoria Boulevard Improvements; and

WHEREAS, the Factoria Boulevard Improvement Project addresses transportation needs identified in the City's Factoria Area Transportation Study (August 1996); and

WHEREAS, said Improvements will include: the extension of a southbound lane between 3600 Block and the north mall entrance; relocation of the sidewalk between SE 38th Street and the first mall entrance adjacent to the right-turn lane; intersection improvements at SE 38th Street; a new traffic signal at SE 40th Lane; intersection reconfiguration at SE 41st Place; and access management treatment, including center median, turn restrictions and driveway consolidation between 3600 Block and SE 41st Place; and

WHEREAS, the City Council found by Ordinance No. 5334, adopted December 3, 2001, that the public health, safety, necessity and convenience demanded that said project be undertaken and that in order to carry out the project it was necessary for the City to acquire interests and rights to the properties described therein; and

WHEREAS, by Ordinance No. 5334, the City Council also condemned, appropriated, took and damaged certain land and property rights for said Improvements.

WHEREAS, the City Council finds it is now necessary to condemn, appropriate, take and damage for public use certain additional land and property rights, and

WHEREAS, the City Council finds and declares it necessary and in the best interest of the public that interests in the land and property rights hereinafter described be condemned, appropriated, taken and damaged for public use, subject to the making or paying of just compensation to the owners thereof in the manner provided by law; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The land and property rights within the City of Bellevue, King County, Washington, described in the attached Exhibit "A", necessary for public road purposes, are hereby condemned, appropriated, taken and damaged for such public purposes, subject to making or paying just compensation to the owners thereof in the manner provided by law.

Section 2. The cost and expense of acquiring said property rights shall be paid for from the Capital Investment Plan, or from other monies the City may have available or may obtain therefore. The Director of the Transportation Department or his designee is hereby authorized to negotiate with and make offers to the owners of said land or property for the purposes of making or paying just compensation, and to approve the payment of just compensation as negotiated with said owners or as ordered by the Court.

Section 3. The City Attorney is hereby authorized and directed to undertake proceedings provided by law to condemn, appropriate, take and damage the land and property necessary to carry out the provisions of this ordinance. The City Attorney is further authorized to approve and enter into any and all such agreements, stipulations, and orders necessary to carry out the provisions of this ordinance, including for the payment of just compensation as agreed to with the property owners, or as ordered by the Court.

Section 4. This ordinance shall take effect and be in force five days after its passage and legal publication.

Passed by the City Council this 15th day of April, 2002, and signed in authentication of its passage this 15th day of April, 2002.

(SEAL)

Connie B. Marshall, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

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